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OFFICE OF PETITIONS

In re Application of :
Stephen J. Pearson :
Application No. 10/803,302 :
Filed: March 18, 2004 :
Attorney Docket No.: MKL-006 :

ON PETITION

This is a decision on the petition filed May 18, 2006, under 37 CFR 1.181 to withdraw the holding of abandonment for the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned on July 21, 2005, for failure to timely submit a timely response to the non-Final Office Action mailed April 20, 2005 and which set a three (3) month period for reply. Accordingly, a Notice of Abandonment was mailed March 23, 2006.

Petitioner asserts that a response was filed and, in support, petitioner has submitted, *inter alia*, a copy of the response in the form of an amendment and a post card receipt.

A search of the application file and the USPTO records does not reveal receipt of the response and the postcard receipt filed with the petition does not bear a USPTO postmark, but the response in the form of an amendment does in fact bear a certificate of mail, pursuant to 37 CFR 1.8, dated July 6, 2005. Thus, the evidence submitted corroborates a timely response to the non-Final Office Action.

Accordingly, the holding of abandonment is hereby withdrawn. No petition fee is necessary and none has been charged.

This matter will be referred to Technology Center 3728 for appropriate action on the amendment filed July 6, 2005, a copy of which was submitted upon petition.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions